

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on MONDAY, 25 FEBRUARY 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Alex McNaughton
Councillor Fred Hall	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Kate Connelly, Trainee Solicitor
Irene Willis, Applicant
Frank Collins, Applicant's Agent
Kim Naismith, Agent's Assistant
Inspector Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman, David Kinniburgh and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR AMENDMENT OF SKIN PIERCING AND TATTOOING LICENCE (I WILLIS, HELENSBURGH)

The Chair welcomed everyone to the meeting and introductions were made.

The Head of Governance and Law advised Members that an objection from Strathclyde Police had been received out with the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. He advised that the Police had submitted an objection on time but this had been withdrawn and replaced with an updated version which arrived late and it was for the Members to decide whether or not to take into consideration this late representation.

The Applicant's Agent advised that he understood this was a representation from the Police and not an objection and that he and his client had no objection to this representation being taken into consideration by the Members.

The Members agreed to consider this late submission from the Police and copies were circulated.

The Chair went on to outline the procedure that would be followed during the Hearing and invited the Applicant's Agent to speak in support of the Application.

Applicant

Mr Collins advised that this was an amendment to a licence granted to Miss Willis in December 2012. He advised that Miss Willis had intended from the start to employ Mr Walls who was an experienced tattooist who was well known in his field and had a considerable number of clients. He advised that Miss Willis has three young children and needs assistant to help run her business. He advised that Mr Walls has been employed by a number of tattooists in Glasgow where it was not a requirement for employees to be on the employer's licence. Mr Collins advised that Miss Willis had received a visit from an Environmental Health Officer prior to opening her business and had mentioned that she intended to employ Mr Walls. The Environmental Health Officer had stated to Miss Willis that she may wish to check whether or not her tattoo licence would need amended if she intended employing another tattooist and that conversation had resulted in her application for the amendment to her tattoo licence. Mr Collins confirmed that Mr Walls had convictions and that these were accepted. However, he advised that he did not think these were relevant to working in a tattoo parlour. He referred to the regulations for operating a tattoo parlour relating to cleanliness and the hygiene of the premises and that Mr Walls' previous convictions should not prevent him from working in a tattoo parlour. He advised that Mr Walls has been a tattooist for many years. He advised that lately he had been working as a welder but due to a shoulder injury this was no longer possible so was returning to work as a tattooist. Mr Collins advised that Miss Willis had a list of clients for February who had all paid a deposit which had to be returned when they realised that Mr Walls would not be there as this application had still to be considered. He advised that if this application is not granted Miss Willis thinks it will be extremely unlikely she will be able to make a go of her business. He advised that Mr Walls will be an employee of a business controlled by Miss Willis and that his convictions were not relevant to the work of a tattooist and asked the Committee to grant the amendment to the licence.

As Inspector Harper had no questions the Chair invited him to speak in support of the Police representation.

Police

Inspector Harper confirmed that the Police representation was in respect of Mr Walls' previous convictions and the nature of these convictions, one relating to breach of the peace and one relating to assault which demonstrated he is capable of violence which the Members should take into consideration.

As Mr Collins had no questions the Chair invited the Members to ask questions.

Members' Questions

Councillor MacMillan referred to the previous convictions which the Police stated were aggressive in nature and asked if Mr Walls had received treatment for his aggression.

Mr Collins advised that both incidents involved alcohol and that Mr Walls had turned himself in for the second offence. He advised that Mr Walls was an experienced tattooist and that he did not have a drink problem and he did not

think it was being suggested that Mr Walls was a danger to the public.

Councillor MacMillan sought confirmation on whether or not Mr Walls had received treatment for his aggression and Mr Collins advised he did not know.

Councillor Trail advised that he has never had experience of a tattoo parlour but imagined that it was basically a one to one appointment with the tattooist and the customer. He advised he was concerned if people knew of Mr Walls' previous convictions would they be happy to be in a one to one situation with him.

Miss Willis advised that Mr Walls has a very large client base and to be a tattooist you had to have a good trusting relationship with your clients. She advised that Mr Walls has a very good reputation and has no problem in carrying out his work or with any clients he has worked with.

Councillor Blair referred to the Health and Safety aspect of working in a tattoo parlour and Miss Willis having an obligation to look after her customers and asked if Mr Walls would be in her employ and Miss Willis replied yes.

Councillor Blair referred to the details of the assault carried out by Mr Walls and referred to the need when working in this type of environment with blood there would be a need to be careful of contamination of blood and asked if Miss Willis was happy to have a prospective employee who could behave in the way he did during the assault.

Miss Willis advised that she was not aware of Mr Walls' history and that she was concerned with the level of his work, cleanliness etc and not with his past.

Mr Collins advised that the incident happened nearly 5 years ago and if this application had come a few months later this conviction would be spent.

Councillor Blair advised that if he ran a business and was aware of the details of this conviction on a CV it would ring alarm bells.

Mr Collins advised that Miss Willis has known Mr Walls for a long time and that he trained Miss Willis in the art of tattooing.

Councillor Currie asked Mr Collins if he would agree there was no history of trouble. These two separate incidents had happened 5 and more years ago and that people do change. He advised that none of these incidents had happened at work and asked Mr Collins if he agreed that people can be good at their work but different away from work.

Mr Collins advised that he did agree with these statements and confirmed that work wise Mr Walls has had no issues.

Councillor Colville asked Inspector Harper to confirm if Mr Walls had not reported the assault himself the Police would not have been aware of it.

Inspector Harper confirmed that this was possible.

Councillor Colville referred to the incident being over 5 years ago and asked would this type of incident not have been seen again if there was a pattern.

Inspector Harper advised that domestic violence was very under reported but you could expect calls from neighbours reporting disturbances and that there has been no evidence of that in this case.

The Chair invited Inspector Harper and Mr Collins to sum up.

Summing Up

Police

Inspector Harper advised that this was purely a representation on behalf of the Chief Constable involving Mr Walls' previous history.

Applicant

Mr Collins advised that Miss Willis has three young children and that she was previously on benefits. She received a small legacy following the death of her Grandfather and had used this money to set up her business. He advised that she wants to make a go of her business but needs assistance. He advised that Mr Walls is an experienced tattooist and that his two previous convictions were 5 and 13/14 years ago. He asked the Committee to give Mr Walls a chance and to give Miss Willis a chance to make a go of her business.

The Chair asked both parties to confirm they had received a fair hearing and they confirmed this to be the case.

Decision

Agreed to grant the amendment of Miss Willis' Skin Piercing and Tattooing Licence to name Mr William Walls as a practitioner who will give treatments at 12 Colquhoun Street, Helensburgh, G84 8AJ.

(Reference: Report by Head of Governance and Law, submitted and Letter of representation from Strathclyde Police, tabled)